

MEMO ENDORSED

DERRICK HARRIS PRO SE PLAINTIFF
33 BULWER PLACE * BROOKLYN N.Y. * 11207

April 16, 2025

Honorable Jessica G. L. Clarke (by ECF)
United States District Judge Southern District of New York
40 Foley Square

Re: Harris v. City of New York, et al.,
22 CV 01763 (ER)
Dear Judge Clarke:

Response to Defendants Opposition to Request for Time Extension

First of all, as stated in my request for more time, there was never any deadline mentioned in any prior court order stating that I had only until April 8, 2025 to prepare my response to Defendants motion to dismiss. All of the prior orders by Judge Ramos, and all of Your Honor's own prior orders specifically indicated a briefing schedule time or deadline for me to follow except in this instance. Moreover, After Defendants filed their response I checked the court file because I truly thought the Court would indicate when my response was due.

In regards to Defendants first motion to dismiss to be heard before Your Honor, Your Honor ordered a briefing schedule which is #91 on the Docket, which initially gave me 6 weeks to respond to Defendants first motion to dismiss while they were given a total of 12 weeks to prepare their motion. I would later ask for a time extension of 3 weeks in my letter motion and inform the Court that the Defendants were only amendable to 2 weeks. Thankfully Your Honor granted me the 3 weeks extension over the Defendants objection. The additional 3 weeks granted by Your Honor gave me a total of 9 weeks to respond to Defendants first motion to dismiss. I am now only asking for 8.

My requests are not intended to prolong this litigation at all as Mr. Olds Esq. suggests, but rather to fairly give me enough time to thoroughly respond to these 2 motions which is the a little less than the time Your Honor gave me before. The understandable reason why I did not think that I would only have 3 weeks to respond now, is because Your Honor initially provided us with a briefing schedule which gave me 6 weeks and then extended it to 9 when I reminded Your Honor that You had given Defendants 12 weeks to respond to my complaint initially which is way beyond the statutory requirement. (See #107, and #109 on Docket)

Application GRANTED. In light of Plaintiff's status as a *pro se* litigant, Plaintiff's deadline to respond to Defendants' motion to dismiss (ECF No. 133) is HEREBY EXTENDED to May 16, 2025. No further extensions of the deadline will be granted. The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff and terminate ECF Nos. 136 and 137.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: April 18, 2025

New York, New York

Also The ADA Defendants act as though I have nothing else to do except sit around and wait the deal with this case. I must remind the Defendants and the Court that I do have to also make a living to support myself while I fight this case, because this is the Counsel for Defendants' professional job, not mine.

Defendants opposition to my rightful request for more time as an inexperienced Pro Se litigant, attempts to assert that since I've been fighting this case for some time, that now I should not be given any more special consideration in regards to the "same" time needed to prepare my moving papers that I've always been given which is absurd. While they continue to get the same extended time that they always have been given, and which I've never been opposed to.

This is the 3rd motion to dismiss that I have personally responded to. And I think it is unreasonable to suddenly require me to respond to both motions in just 3 weeks. The Defendants motion was due to be filed on March 18, and I am requesting 60 days from that date which would be May 16, 2025. This is a total of 8 weeks and 3 days which is still less than the time Your Honor granted me to complete my response to the last motion to dismiss. I don't think its unreasonable to ask for 60 days especially because they just had 60 days to respond to my Amended Complaint. However, if Your Honor is unwilling to give me close to the same time that You already have given me before, then at least give me to Friday May 2 for a total of 6 weeks and 3 days from the date of Defendants filing on March 18, 2025. I've already been working on my response, its just not finished yet.

The US Supreme Court I has declared that a pro se litigant should not be punished or have their case dismissed because of a lack of knowledge. *It is well-established that pleadings by pro se plaintiffs are held "to less stringent standards than formal pleadings drafted by lawyers."* *Hughes v. Rowe*, 449 U.S. 5, 9, 101 S. Ct. 173, 176 (1980); *see also Erickson v. Pardus*, 551 U.S. 89, 94, 127 S. Ct. 2197, 2200 (2007), *Briggs v. SCO Family of Servs.*, 16-cv-3882 (GRB)(SIL) (E.D.N.Y. Jan. 6, 2021) *holding that a court must "make reasonable allowances so that . . . pro se plaintiffs do not forfeit their rights by virtue of their lack of legal training"*)

For all the good reasons stated above, I am respectfully requesting that you grant my request for more time to respond. I thank Your Honor for your time and consideration.

Respectfully submitted
Derrick R. Harris
Derrick R. Harris